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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

IN RE:

CASE: 25-20169

Jose Luis Castaneda, Jr.

CHAPTER 13

Debtor

Hon. KEVIN R. ANDERSON

Confirmation Hearing: 4/1/25 2:00 pm

**TRUSTEE'S OBJECTION TO CONFIRMATION AND RECOMMENDATION OF
DISMISSAL UNDER 1307(c) IF UNABLE TO RESOLVE**

Lon A. Jenkins, Chapter 13 Trustee, hereby objects to confirmation of the Debtor's plan and in support thereof represents as follows:

1. The Debtor filed a Chapter 13 petition for relief on January 13, 2025 and the First Meeting of Creditors under section 341 was held on February 21, 2025.
2. The payment advices required by § 521(a)(1)(B)(iv) show more income than is reported on Schedule I.

3. The Trustee projects that the Debtor(s) direct payment(s) to satisfy a retirement loan(s), will end within 60-months. The Debtor(s) should provide the Trustee with evidence as to the loan balance(s) as of the petition date, and propose to increase the plan payment by the same amount as the loan repayment once such claims have been paid in full. See *In re Kofford*, Slip Copy, 2012 WL 6042861 (Bankr. D. Utah Dec. 4, 2012) (Thurman).

4. The Debtor(s) failed to timely provide the Trustee with copies of their State and Federal income tax returns for 2024 (see § 521(e)(2)(A)(i), Fed. R. Bankr. P. 4002(b)(2)(B), and Local Rule 6070-1(c)(2)).

5. The Debtor(s) failed to file a *Declaration of Filed Tax Returns* as required by Local Rule 6070-1(c)(3).

6. The Trustee has filed a Motion to Dismiss in this case. Pursuant to Local Rule 2083-1(g), you must file an objection to this with the bankruptcy court within 21 days after service of the motion, or the bankruptcy court clerk must enter an order dismissing the case. Unless otherwise directed by the court, this motion will be heard at the confirmation hearing.

7. Schedule A/B fails to fully disclose and value the following property of the estate: Navy Federal Credit Union and Key Bank financial accounts.

8. The Debtor(s) failed to produce at the 341 Meeting statements from their Apple Pay, Navy Federal Credit Union and Key Bank financial account(s) for the period that covers the petition date (see Fed. R. Bankr. P. 4002(b)(2)(B)).

9. The Trustee hereby makes a motion to dismiss under LR 2083-1(g) for failure to turnover the following documents: copy of tax return and bank statements. The Trustee will seek dismissal at the confirmation hearing set for Apr 1 2025 2:00PM unless the missing documents are provided no later than 14 days prior to the confirmation hearing is scheduled or an objection to dismissal is filed.

WHEREFORE, the Trustee objects to confirmation of the Debtor's plan. If the Debtor is unable to resolve the objection by the confirmation hearing, the Trustee will move to dismiss or convert the case.

Dated: February 25, 2025

Tami Gadd
Attorney for Chapter 13 Trustee

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Objection to Confirmation was served on the following parties on February 26, 2025:

Jose Luis Castaneda, Jr., 1473 N August Dr., Saratoga Springs, UT 84045

ROBERT S. PAYNE, ECF Notification

/s/ Chelsea Anderson